

tions of Fort Assinaborne, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula and Fort Shaw. By act of the Legislative Assembly approved February 14, 1891 (Montana Laws, 1891, page 262), consent was given to the purchase of and exercise of exclusive jurisdiction over and with respect to all lands within the State which are or may be embraced within the Yellowstone National Park, together with all such lands as are now or may hereafter be occupied and held by the United States for military purposes, either as additions to the military posts, over which jurisdiction is ceded by the Constitution of Montana, or as new or other posts or reservations established within the State for the common defense. (See Section 24, Political Code, 1935.)

Section 42 of Chapter II, Title I, Part I, Montana Political Code, 1895, provides that the Legislative Assembly consents to the purchase or condemnation by the United States of land for the purposes of erecting forts, magazines, arsenals, court houses, post offices and other needful buildings upon the express condition that all civil process issued by the courts of the State and such criminal process as may issue under authority of the State against any person charged with crime may be served and executed in the same mode and manner and by the same officers as if the purchase or condemnation had not been made. This provision has been carried in all successive codes of the State and now appears in Section 24 of Chapter II of the Political Code of 1935.

By Section 25 of the Code, supra, consent is given to purchase and exclusive jurisdiction is ceded to the United States, over and with respect to any lands within the State which shall be acquired by the United States for any of the purposes mentioned in Article I, Section 8, Clause 17 of the Constitution of the United States, reserving in the State concurrent jurisdiction of civil and criminal process of the State courts. This section contains a proviso that an accurate map or plan and description by metes and bounds of said lands shall be filed in the office of the County Clerk and Recorder of the County in which same is situated and if such lands shall be within the corporate limits of any city, such map and plan shall also be filed in the office of the City Clerk of said City and expressly reserves the right to tax all property of any railroad or other corporation having a right-of-way over or upon said lands.

MONTANA CASES: *Valley County v. Thomas*, 109 Mont. 345, 97 P. (2) 345; *United States v. Tully*, 140 Fed. 899; *State ex rel. Loney v. State Industrial Accident Board*, 87 Mont. 191, 286 P. 408; *State v. Bruce*, 106 Mont. 322, 77 P. (2) 403; *Yellowstone Park Transport Company v. Galatin Co.*, 31 Fed. (2) 644, reversing 27 Fed. (2) 410; *State v. Bruce*, 69 P. (2) 97.

NEBRASKA

By the act of the Legislature of Nebraska approved February 22, 1883 (Nebraska Laws, 1883, Chap. 40, page 325), the consent of the State was granted to the purchase by the United States of such grounds as may be deemed necessary in the City of Nebraska City, Nebraska, or any other city or incorporated town in the State for the erection thereon of buildings for the accommodation of the United States circuit and district courts, post offices, land office, mints, or any other Government offices, and also for the purchase by the United States of such other lands within the State of Nebraska as the agents or authorities of the United States may, from time to time, select for the erection of forts, magazines, arsenals, and other needful buildings. Jurisdiction over such places is expressly ceded to the United States, with concurrent jurisdiction retained by the State so far as that all civil processes and such criminal or other processes as may issue under laws or authority of the State of Nebraska against any person or persons charged with crime or misdemeanor within the State may be executed therein, in the same way as if such consent had not been given or jurisdiction ceded except so far as such process may affect the real and personal property of the United States. (See Section 76-601, 76-604, Compiled Statutes of Nebraska, 1929.)

NEBRASKA CASES: *Lindburg v. Bennett*, 117 Neb. 66, 219 S. W. 851; *In Re Ladd*, 74 Fed. 31; *Anderson v. Chicago and Northwestern Railway Company*, 102 Neb. 578, 168 N. W. 196; *Tagge v. Gulzow*, 132 Neb. 276, 271 N. W. 803; *United States v. Unzenta*, 281 U. S. 138, 144 S. Ct. 284.